

15 JAN 1982

MEMORANDUM FOR:

FROM:

Chief, Information and Privacy Division

SUBJECT:

Comments on HR 5271

1. This memorandum comments on proposed House Legislation HR 5271 to amend the Freedom of Information Act. This amendment, introduced by Representative White on 16 December 1981, seeks to prevent the disclosure of US Government information to foreign nationals. Though it offers minimal relief to CIA, it does not add to our burden and should not be opposed.

2. The intent of this Bill is certainly laudatory. It is indeed ironic that an intelligence organization engaged in the collection of information about foreign nations must potentially grant access to these files upon request by foreign governments. This portion of the amendment, however, offers little additional benefit to the Agency since the Justice Department's proposals already contain provisions to limit access by non-U.S. citizens.

3. HR 5271 does go somewhat further than the Justice proposals by seeking to prevent U.S. citizens from acting as conduits or agents for legally acquired documents for foreign governments. HR 5271 provides for criminal penalties for anyone engaging in such a relationship. However, it is highly unlikely that our adversaries would be deterred by such penalties. I believe our opposition is creative and ingenious enough to find a means for still acquiring information through the FOIA.

4. In summary, although the Bill offers CIA little additional relief, it does not add to our administrative burden. Indeed, we would be able to eliminate that five to seven percent of requests the Agency currently receives from foreign nationals. For this reason alone, HR 5271 ought not be opposed.

IPD/JEB/14 Jan 82
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